[*English*]

**Hire–Purchase act**

3837. SHRI KARIYA MUNDA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Union Government propose to enforce the Hire–Purchase Act, 1972;

(b) if so, when; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) to (c). Yes, Sir. The Government intends to enforce the Hire–Purchase Act, 1972 after carrying out certain amendments. An amending Bill is pending in the Rajya Sabha since 1989. However in view of the representations received, certain clauses in the Amending Bill are being re–examined by the Government.

**Prosecution for Evasion of Excise Duty**

3838. SHRI SOMJIBHAI DAMOR: Will the Minister of FINANCE be pleased to state:

(a) the number of cases of excise duty evasion of above rupees 500 crores in respect of which decision to launch prosecution was taken during each of the last three years;

(b) the number of cases, out of these, in respect of which the decision has not been implemented;

(c) the amount involved in each of the cases referred to in part (b) above.

(d) the reasons for not launching the prosecution in these cases; and

(e) the action taken/proposed to be taken by the Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR THAKUR): (a) No cases was adjudicated in any of the last 3 years finding Central Excise duty evasion of Rs. 500 crores or more and requiring consideration of prosecution.

(b) to (e). Does not arise in view of (a) above.

**Retirement age of High Court Judges**

3839. SHRI G. MADE GOWDA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government are aware that a large number of cases are pending in various High Courts for the past so many years;

(b) if so, whether there is any proposal to increase the age of retirement of High Court Judges upto 55 years for the speedy disposal of cases and to avoid the time gap between the retirement of the High court Judges and the filing up of vacancies; and

(c) if so, the details of the proposal in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) Yes, Sir.

(b) and (c). There is no proposal to increase the age of retirement of High Court Judges which is presently 62 years. How

ever suitable advance action is invariably taken in the matter of filling up vacancies to reduce the gap between the date of retirement and the appointment against the vacancy.

**Petition against introduction of new buses under STA Permits**

3840. SHRI JEEWAN SHARMA: Will the Minister of SURFACE TRANSPORT be pleased to state:

(a) whether the association of private bus operators have moved the High Court of Delhi challenging the introduction of the scheme to licence 3000 private buses under the STA permits;

(b) if so, the details of the points taken up in their application;

(c) whether the Court has given any decision in this regard; and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): (a) Yes, Sir.

(b) The following objections have been raised by the Association:–

(i) The STA is not empowered to frame any scheme and limit the number of permits to be granted to 3000.

(ii) Limit can only be to the total number of stage carriage permits for a city to be imposed by the State Government by notification in official gazette.

(iii) STA/RTA is not empowered to frame any scheme inviting applications for stage carriage permits (Section 72 of M.V. Act) and application may be made at any time and STA/RTA shall not ordinarily refuse to grant such application(Section 80 of M.V. Act).

(iv) The Act do not provide for or envisage furnishing of security by way of deposit either for production of bus or otherwise;

(v) Under Section 71 (3) (d) (ii) STA/RTA has to consider and attach due weightage to experience and performance of existing operators of Stage Carriage Services;

(vi) Application for grant of permit can be refused only by assigning valid reasons and permits cannot be sought to be discharged by draw of lots.

(vii) The STA/RTA is not empowered to fix specific routes and it only has to decide to grant or refuse permit for any route as specified and applied for.

(viii) STA/RTA is not empowered to impose any condition for free or concessional passes;

(ix) STA/RTA cannot impose condition that 'route once granted shall be subject to rechange later on'.

(x) Before granting these permits, STA may consider the long pending applications of some operators, who have been pending applications of some operators, who have been plying their buses under DTC since long.

(c) No, Sir.

(d) Does not arise.